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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,448	03/15/2004	Steven Aoyama	B04-10	1212

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EXAMINER

HUNTER, ALVIN A

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 02/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/800,448	<b>Applicant(s)</b> AOYAMA, STEVEN	
	<b>Examiner</b> Alvin A. Hunter	<b>Art Unit</b> 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2004.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Terminal Disclaimer***

The terminal disclaimer filed on September 17, 2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 6749525 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Claim Rejections - 35 USC § 112***

Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear as to whether the one multi-lobed dimple is surrounded by the six-lobed dimples or if the one multi-lobed dimples is surrounded by six additional multi-lobed dimples, in which the six multi-lobed dimples are not required to have six lobes?

### ***Claim Rejections - 35 USC § 102***

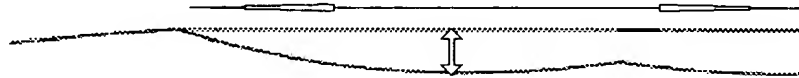
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 5-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Barfield (USPN 6547678).

Regarding claim 1, Barfield shows in Figure 6 an average of the inside radii extending from the center troughs of the lobe to and average outside radii extending from the center apex points of the lobes, being less than 1.0. Barfield also shows a golf

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ball having a substantially spherical outer surface; and a plurality of multi-lobed dimples formed on the outer surface of the ball wherein in each lobe in each dimples are positioned radially around a center of the dimples (See Figures 10-14). Each lobe also defines a part of the perimeter of the dimple.

*FIG.*

Regarding claim 5, Barfield shows curved profiles of the lobes abutting each other in an uninterrupted manner such that the curved profile of one lobe continuously and smoothly extends to and abuts with the curved profile of an opposite or near-opposite lobe (See Figures 7-9).

Regarding claims 6, Barfield shows each lobe having spoke-like ridges positioned between adjacent lobes (See Figures 7-9).

Regarding claim 7, Barfield shows the portions of the perimeter where the circumferential segments abut being rounded (See Figures 11-13).

Regarding claim 8, Barfield shows the multi-lobed dimples including uniform multi-lobed dimples (See Figure 11-13).

Regarding claim 9, Barfield shows each lobe further comprising a second curved profile extending across the width of the lobe (See Figure 4-9 and 11-13).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4, and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barfield (USPN 6547678).

Regarding claims 2-4, Barfield show in the Figures in comparison to that of the applicants dimples that the claimed ratio is within a range to one having ordinary skill in the art. It would have been obvious to use any of such ratios so long as the invention enhances the flight performance.

Regarding claim 10, Barfield also discloses that additional lobes may be added to surround a center of the dimple (See Column 6, lines 63 through 67). One having ordinary skill in the art would have found it obvious to incorporate any number of lobes so long as the flight performance is enhanced.

Regarding claim 11, Barfield discloses that any combination of multi-lobed dimples may be placed on the surface of the golf ball (See Column 7, lines 13 through 25). One having ordinary skill in the art would have found it obvious to have the six multi-lobed dimples surrounding a multi-lobed dimples in order to enhance the flight performance.

Regarding claim 12, Barfield shows in Figure 6 an average of the inside radii extending from the center troughs of the lobe to and average outside radii extending from the center apex points of the lobes; being less than 1.0. Barfield also shows a golf ball having a substantially spherical outer surface; and a plurality of multi-lobed dimples formed on the outer surface of the ball wherein in each lobe in each dimples are positioned radially around a center of the dimples (See Figures 10-14). Each lobe also defines a part of the perimeter of the dimple. Barfield show in the Figures in comparison to that of the applicants dimples that the claimed ratio is within a range to one having ordinary skill in the art. It would have been obvious to use any of such ratios so long as the invention enhances the flight performance.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin A. Hunter whose telephone number is (571) 272-4411. The examiner can normally be reached on Monday through Friday from 7:30AM to 4:00PM Eastern Time.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Vidovich, can be reached on 571-272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AAH

Alvin A. Hunter, Jr.

  
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